

Amendments to the Drawings:

The attached sheet of drawings includes a change to Fig. 1. This sheet, which includes Figs. 1 – 8, replaces the original sheet of Figs. 1 – 8. In Fig. 1, previously omitted reference numeral 27 has been included.

Attachments: Replacement Sheet

REMARKS/ARGUMENTS

Claims 1 - 19 are pending in the application.

Applicant herewith confirms the election of the species of Figs. 1 – 11 (claims 1 – 5 plus new claims 18 and 19) until a generic claim is allowed.

A new drawing figure for Fig. 1 is being submitted herewith to show the reference numeral 27 for the disposable media. Applicant respectfully submits that the media 27 was already indicated in Fig. 3, so that no new matter is being introduced.

Claim 16 has been amended to make it dependent upon claim 1. New claim 17 is identical to claim 16, but dependent on claim 10. A new claim 18 has been submitted to indicate that the disposable media has a uniform cross-section. Support for claim 18 can be found in the drawings, for example in Fig. 3. New claim 19 has been submitted to indicate that the disposable media can be elastic. Support for claim 19 can be found, for example, on page 6 of the specification in the last paragraph.

The Examiner has rejected claims 1 – 4 under 35 USC 102(b) as being anticipated by Olson, and claims 1, 2 and 5 under 35 USC 102(b) as being anticipated by Erickson.

Pursuant to MPEP section 2131, in order to anticipate a claim, a reference must teach every element of the claim. Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim”. As can be seen from the following, it is therefore respectfully submitted that the cited references cannot teach or suggest the claims of the instant application (see also MPEP section 2143.03).

Applicant's claim 1 requires, among other features, a means to position and secure the insect barrier device interposed between the nectar feeder and feeder support, with such means effecting positioning and securement with a continuous surface contact that restricts any alternative crawling routes to the feeder. In contrast, it is respectfully submitted that Olson is enabling only for a strip of flexible material for placement around a tree. In other words, the means or second layer of adhesive 130 of Olson is enabling only to allow Olson's insect trapping band to be secured to a tree trunk. Therefore, it is respectfully submitted that Olson cannot teach or suggest a means to position and secure an insect barrier device between a nectar feeder and a feeder support, as required by Applicant's claim 1. Nor can Olson teach or suggest the "continuous surface contact" required by Applicant's claim 1 to restrict alternative crawling routes to a feeder, with such a continuous surface contact not even being possible with Olson's band which is placed on tree bark, which of course has an uneven surface. It should also be noted that the strip of material of Olson's band is provided with a groove in which is disposed an insect trapping adhesive. This is particularly relative to Applicant's new claim 18.

The insect trap of Erickson is also in distinct contrast to Applicant's insect barrier device as defined in claim 1. In particular, Erickson's insect trap comprises a flattened dome-shaped plate and means for supporting the same beneath a furniture leg. Thus, it is respectfully submitted that Erickson can in no way teach or suggest a means to position and secure an insect barrier device between a nectar feeder and a feeder support. Nor does Erickson teach or suggest that its central hole 17 provides a continuous surface contact, all as required by Applicant's claim 1. With regard to the central hole 17 of Erickson, it is respectfully submitted that the hole in the disk or

ring 20 or trap member 16 is provided merely to allow the trap to be placed over a furniture leg. However, support for the ring or disk is provided by sandwiching the ring or disk between the flexible gasket 19 and the caster horn 15.

In view of the foregoing discussion, it is respectfully submitted that Applicant's insect barrier device can in no way be taught or suggested by the insect traps of Olson or Erickson. Applicant therefore respectfully requests reconsideration of the allowability of the pending claims of the instant application. In addition, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call from him in order to discuss any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,



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Attachments: Power of Attorney
(1) Drawing Sheet